

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

KAJEET, INC.,

Plaintiff,

v.

INFOWEISE PTY., LTD.

Defendant.

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CIVIL ACTION NO. 6:21-cv-704-ADA

JURY TRIAL DEMANDED

**DECLARATION OF CORBY R. VOWELL IN SUPPORT OF PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT**

I, Corby R. Vowell, do declare as follows:

1. I am an attorney at Friedman, Suder & Cooke, and counsel to Plaintiff Kajeet, Inc. ("Kajeet"). I am duly licensed to practice law in the State of Texas. I write this declaration in support of Plaintiff's Motion for Default Judgment against Defendant Infowise Pty., Ltd. I have personal knowledge of the facts stated in this declaration and would testify truthfully to them if called upon to do so.

2. Plaintiff put Defendant on notice of its claims of patent infringement over a year before the filing of the Complaint on February 27, 2020, when counsel for Plaintiff, Richard A. Wojcio, Jr., wrote to Defendant's General Counsel. The allegations contained in the letter are consistent with those presented in Kajeet's Complaint in this litigation. *See* Dkt. No. 1, hereby incorporated by reference. A true and correct copy of that letter is attached hereto as Exhibit A. That correspondence listed the patent asserted in this litigation and alleged infringement thereof by Defendant's products and services. Defendant did not respond to this letter.

3. On July 7, 2021, Plaintiff filed a Complaint for patent infringement against Defendant in this Court. Dkt. No. 1. Plaintiff caused the Summons and Complaint and other

documents to be served on Defendant through the Texas Secretary of State on July 9, 2021. *See* Dkt. No. 8. Plaintiff filed a proof of service on August 16, 2021. Dkt. No. 8. The Secretary of State has certified that it was served on behalf of Defendant and forwarded the Complaint to Defendant. Attached as Exhibit F is a true and correct copy of the certificate from the Texas Secretary of State confirming service. Plaintiff also sent a letter to Defendant with a copy of the Complaint on July 8, 2021. Attached hereto as Exhibit B is a true and correct copy of that letter. Defendant never responded to this letter.

4. Defendant's response to the Complaint was due within twenty-one (21) days after service (i.e., twenty-one days after July 9, 2021). Defendant did not timely file an answer or other responsive pleading by the July 30, 2021 deadline. Plaintiff filed its Request for Entry of Default against Defendant on August 19, 2021. Dkt. No. 22. At Plaintiff's request, the Court's Clerk entered default in this matter against Defendant on August 31, 2021. Dkt. No. 23.

5. Defendant is not an infant, incompetent person, or member of the armed services. Defendant is a corporation organized under the laws of Australia.

6. Counsel for Plaintiff, including Richard Wojcio and myself, conducted research regarding Defendant's use and sales of products and services prior the filing of the Complaint in this matter. My firm's work on this matter included, among other things, generally researching infringement and venue, preparing claim chart analyses, writing a letter to Defendant, and preparing the Complaint and other initiating documents. My firm was also responsible for doing the work to seek entry of Defendant's default and preparing this Motion along with the supporting research and evidence. The hourly rates for the attorneys involved at our firm are as follows: Michael T. Cooke (\$575); Corby R. Vowell (\$400); and Richard Wojcio (\$275). Our firm's paralegal, Cindy Dunn, did work on this matter and her hourly rate is \$195. Attached as Exh. C is

a true and correct copy of the time records (redacted as appropriate) showing the time spent by the above-named individuals on this matter as well as the costs incurred to date. In sum, the following time totals reflected in Exh. C are as follows: Michael T. Cooke (.25); Corby R. Vowell (21.25); Richard Wojcio (9.25); and Cindy Dunn (2.75). This amounts to a total of \$11,723.25.

7. I have been a lawyer at Friedman, Suder & Cooke since 2011 and have been licensed to practice law in the State of Texas since 2001. I received my Bachelor's degree in computer science from Baylor University in 1995, my master's degree in computer science from the University of Houston - Clear Lake in 1997, and graduated from University of Houston Law Center in 2000. Since that time, the majority of my legal practice has involved patent infringement litigation, like the dispute here. Also working on this matter with me is Richard Wojcio, Jr. who is an eighth-year lawyer with a degree in mechanical engineering from the Georgia Institute of Technology and law degree from Texas Wesleyan University School of Law (now Texas A&M University School of Law) and has been practicing patent litigation since joining our firm in 2016. Michael T. Cooke is a graduate of Baylor University and Baylor University School of Law School who has been practicing for more than 30 years and has been involved in patent litigation for more than 15 years. Our paralegal, Cindy Dunn, is qualified through her education, training and experience to perform substantive legal work of the type performed by her in this matter. Mrs. Dunn received her Associate's degree in paralegal studies and has more than 20 years' experience with our firm. All substantive legal work performed by Ms. Dunn was performed at the direction of attorneys in the firm and under the supervision of the attorneys in the firm.

8. I believe the above time entries reflect a reasonable amount of time given the work necessary to present this matter to the Court. I have been practicing for 20 years in the state of Texas, and it is my opinion that the rates charged by my firm are competitive and reasonable given

the complexity of patent litigation.

9. Infoweise offers to sell and sells the Accused Products through both the Apple App Store and the Google Play Store which are accessible over the Internet in this District. Attached as Exhibit D is a true and correct copy of a screenshot of a webpage on the Apple App Store where Infoweise offers to sell and sells the Accused Products. See the URL: <https://apps.apple.com/us/app/secureteen-parental-control/id875252906>. Attached as Exhibit E is a true and correct copy of a screenshot of a webpage on the Google Play Store where Infoweise offers to sell and sells the Accused Products. See the URL: https://play.google.com/store/apps/details?id=com.infoweise.parentalcontrol.secureteen&hl=en_US&gl=US. By offering to sell and selling the Accused Products from these websites, Infoweise knows or reasonably expects that its Accused Products are downloaded and purchased by users in this District.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed November 10, 2021 in Fort Worth, Texas.

/s/ Corby R. Vowell